

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD.

SPECIAL CIVIL APPLICATION No 2206 of 1995

For Approval and Signature :

Hon'ble MR. JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the Judgment ?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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GUJARAT STATE GOVT. PRESSES CLASS III EMPLOYEES ASSO  
VERSUS  
SECRETARY, INDUSTRIES, MINES & POWER DEPT.

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Appearance:

MR KR RAVAL for the Petitioner  
MR VB GHARANIA for the Respondents

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CORAM : MR JUSTICE S.K. KESHOTE  
Date of Decision : 08/09/1999

C.A.V. JUDGMENT

Heard the learned counsel for the parties.

2. The petitioner, Gujarat State Government Presses Class III Employees' Association, by this petition under Article 226 of the Constitution is praying for grant of following reliefs:

(A) That this Hon'ble Court will be pleased to issue a writ of mandamus or any other appropriate writ, direction or order declaring the action of the respondents in discontinuing the payment of the press allowance to the members of the petitioner-Association as illegal, unconstitutional and ultra vires and further be pleased to direct the respondents to refrain from discontinuing the payment of the press allowance.

(B) That during the pendency and final hearing of this special civil application, this Hon'ble Court will be pleased to direct the respondents not to discontinue the payment of the press allowance to the members of the petitioner-Association;

(C) That pending the hearing and final disposal of this petition, this Hon'ble Court will be pleased to stay the operation, implementation of the instructions/order dated 13th March, 1995 issued by the respondent No.2 vide Annexure F to this petition:

(D) That this Hon'ble Court will be pleased to pass such other and further order as the nature and circumstances of the case may require:

(E) That this Hon'ble court will be pleased to provide costs of this petition from the respondents:

3. The press allowance which the members of the petitioner-Association were getting was discontinued under the impugned orders. It is the grievance of the petitioners that the members of the petitioner-Association were allowed to take this press allowance till productivity linked bonus was introduced by the Government as per the recommendations of the Committee's report.

4. Both the learned counsel for the parties, on being asked by the Court, are unable to throw any light what ultimately the Government has decided for framing the policy for this class of employees relating to the

productivity linked bonus. It is really a sorry state of affairs that both the counsel are unable to assist this court on this question.

5. In view of these facts, the interest of justice will be served in case this special civil application and Rule therein are disposed of in terms that for this grievance the petitioner-Association may file a detailed representation to the respondent No.1 and in case such a representation is filed then the respondent No.1 shall decide the same within a period of two months from the date of receipt of the same after hearing the petitioner, if hearing is desired. In case the grievances of the petitioner are acceptable then all consequential benefits flowing therefrom are to be given to the members of the petitioner-Association and where the grievances are not acceptable then a reasoned order may be passed and copy of the same may be sent to the petitioner by registered post A.D.. Liberty is granted to the petitioner for revival of this special civil application in case of difficulty.

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